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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,221	07/22/2005	Jonathan Kahn		9714

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EXAMINER	
LENNOX, NATALIE	
ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,221	KAHN ET AL.	
	Examiner	Art Unit	
	Natalie Lennox	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *December 21, 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by MacGinitie et al. (US 2003/0105630).

As per claim 1, MacGinitie et al. teach a method for creating a final text from a first audio file, comprising:

(a) transcribing the first audio file into a transcribed text file using a speech recognition software (Paragraph [0089] "time stamped recognition engine text file");

(b) loading a first window with the transcribed text file (Fig. 5);

(c) loading a second window with a previously created text file (Fig. 4);

(d) comparing the transcribed text file and the previously created file to find differences between the text in the transcribed text file and the text in the previously created text file (Paragraphs [0089] and [0090]); and

(e) correcting the transcribed text file based upon the differences to create the final text (Paragraph [0026]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacGinitie et al. (US 2003/0105630) as applied to claim 1 above, and further in view of Saidon et al. (US 2002/0161578).

As per claim 2, MacGinitie et al. teach the method according to claim 1, but does not specifically mention wherein loading the second window includes searching for the previously created text file. However, Saidon et al. teach loading the second window includes searching for the previously created text file (Paragraph [0125], wherein searching is performed by a key word search).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of loading the second window includes searching for the previously created text file as taught by Saidon et al. for MacGinitie et al.'s method because Saidon et al. provides systems and methods for receiving spoken audio, converting the spoken audio to text, and transferring the text to a user (Paragraph [0001]).

As per claim 3, MacGinitie et al. as modified by Saidon et al., teach the method according to claim 2, further comprising receiving a portion of the transcribed text file from a user and identifying the previously created text file based upon the portion of the

transcribed text file (Paragraph [0125], wherein the portion of the transcribed text file is a key word).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of receiving a portion of the transcribed text file from a user and identifying the previously created text file based upon the portion of the transcribed text file as taught by Saidon et al. for MacGinitie et al.'s method because Saidon et al. provides systems and methods for receiving spoken audio, converting the spoken audio to text, and transferring the text to a user (Paragraph [0001]).

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacGinitie et al. (US 2003/0105630) as applied to claim 1 above, and further in view of Perez-Mendez et al. (US Patent 5,754,978).

As per claim 4, MacGinitie et al. teach the method according to claim 1, but does not specifically mention wherein the previously created text file corresponds to a second audio file dictated separately from the first audio file. However, Perez-Mendez et al. teach the previously created text file corresponds to a second audio file dictated separately from the first audio file ("SR 2" 50 from Fig. 3, also Col. 4, lines 35-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of a previously created text file corresponds to a second audio file dictated separately from the first audio file as taught by Perez-Mendez et al. for MacGinitie et al.'s method because Perez-Mendez et al.

provides a system with increased recognition rates achieved by utilizing the results of multiple speech recognition systems (Col. 1, lines 3-6).

As per claim 5, MacGinitie et al. teach the method according to claim 1, but does not specifically mention comprising transcribing the second audio file into the previously created text file using another speech recognition software different from the speech recognition software used to transcribe the first audio file. However, Perez-Mendez et al. teach transcribing the second audio file into the previously created text file using another speech recognition software different from the speech recognition software used to transcribe the first audio file ("SR 2" 50 from Fig. 3, also Col. 4, lines 35-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of transcribing the second audio file into the previously created text file using another speech recognition software different from the speech recognition software used to transcribe the first audio file as taught by Perez-Mendez et al. for MacGinitie et al.'s method because Perez-Mendez et al. provides a system with increased recognition rates achieved by utilizing the results of multiple speech recognition systems (Col. 1, lines 3-6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie Lennox whose telephone number is (571) 270-1649. The examiner can normally be reached on Monday to Friday 9:30 am - 7 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NL 09/14/2007

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER